

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-10288-RWZ

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UNITED STATES

v.

JOSEPH ALLEN

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**DEFENDANT'S SUPPLEMENTAL REQUEST FOR JURY INSTRUCTIONS**

Joseph Allen, defendant in the above-captioned criminal case, hereby moves this Honorable Court, pursuant to Fed. R. Crim. P. 30, to include the following instruction in its charge to the jury.

**REQUEST NO. 12 - WITNESS'S USE OF ADDICTIVE DRUGS**

The testimony of someone who is shown to have used addictive drugs during the period of time about which the witness testified must always be examined and weighed by the jury with greater care and caution than the testimony of an ordinary witness. You may decide that such a witness's drug use substantially impaired his or her ability to perceive and remember events.

You should never convict any defendant upon the unsupported testimony of such a witness unless you believe that testimony beyond a reasonable doubt.

***Authority:***

Fifth Circuit Pattern Jury Instruction §1.16; O'Malley, Grenig, and Lee, *Federal Jury Practice and Instructions: Criminal* §15.05 (5th ed. 2000).

Respectfully submitted,

**JOSEPH ALLEN**

By his attorneys,

/s/ James L. Sultan

James L. Sultan, BBO #488400

Jonathan Harwell, BBO #662764

Rankin & Sultan

151 Merrimac Street

Boston, MA 02114

(617) 720-0011

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 18, 2006.

/s/ James L. Sultan  
James L. Sultan